

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA**

Tai Tan Nguyen,

Plaintiff,

vs.

Don Taylor, Warden,

Defendants.

CASE NO. 01CV0851-J(POR)

**ORDER TAXING COSTS**

Upon application of petitioner, a hearing for taxation of costs was held on Tuesday, December 5, 2006. Matthew S. Voss representing petitioner, and Matthew Mulford, representing defendants, appeared telephonically.

Respondent objected to the award of costs based on the fact that costs are not available to a petitioner in a federal habeas corpus case. This objection is denied pursuant to Local Rule 54.1(a) which states "Unless otherwise ordered by the court, or stipulated by the parties, the prevailing party shall be entitled to costs."

The total amount requested for Fees for Service of Summons and Subpoena is decreased by \$300.00. The "Fee Advanced" charged for the service of subpoena for Dee Warrick and Janine Miller in the amount of \$150.00 per service is denied.

Costs are taxed as follows:

<i>Description</i>	<i>Amount(s) Requested</i>	<i>Amount(s) Taxed</i>
Fees of the clerk		
Fees for service of summons and subpoenas	\$660.55	\$360.55
Fees of the court reporter	\$1,751.60	\$1,751.60
Fees and disbursements for printing		
Fees for witnesses		
Fees for exemplification and copies		
Docket fees under 28 U.S.C. § 1923		
Costs incident to taking of depositions		
Costs as shown on mandate of Court of Appeals		
Other costs as itemized:		
<b>TOTAL COSTS TAXED</b> in favor of petitioner	\$2,412.15	\$2,112.15

Counsels' attention is called to Local Rule 54.1.h which provides in part that a motion to re-tax by any party, in accordance with Rule 54(d), F.R.Civ.P. and Local Rule 7.1, shall be served and filed within five (5) days after receipt of the Order Taxing Costs.

Dated: December 5, 2006

W. Samuel Hamrick, Jr., Clerk of Court

S/N. Prewitt

N. Prewitt, CRD Supervisor